

PSJ10 Exh 31a

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

4

5 -----) MDL No. 2804

6 IN RE NATIONAL PRESCRIPTION)

7 OPIATE LITIGATION)

8) Case No. 17-md-2804

9 This document relates to:)

10 All Cases)

11 -----) Hon Dan A. Polster

12

13 HIGHLY CONFIDENTIAL

14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

15

16 The 30(b)(6) videotaped deposition of

17 ALLERGAN by and through MARY WOODS, called for

18 examination, taken pursuant to the Federal Rules of

19 Civil Procedure of the United States District Courts

20 pertaining to the taking of depositions, taken before

21 JULIANA F. ZAJICEK, a Registered Professional Reporter

22 and a Certified Shorthand Reporter, at Lieff Cabraser

23 Heimann & Bernstein, 8th Floor, 250 Hudson Street, New

24 York, New York, on January 9, 2019, at 9:10 a.m.

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23 THE VIDEOGRAPHER:
MR. ERIC DAVIDSON,
24 Golkow Litigation Services.

1 A. And a non-warehousing chain has the
2 wholesalers purchase for them and then the wholesaler
3 sends them out to their locations.

4 Q. All right.

5 Do you remember whether, when you were
6 working at Watson Pharmaceuticals, Inc., there was
7 ever an effort to identify and understand the
8 customers of your customers as they were ordering
9 controlled substances?

10 A. At some point we did. I don't remember if
11 it was under Watson Pharmaceuticals or Actavis, Inc.
12 It wasn't really much of a guidance from DEA in the
13 early years. It was in the later point in time.

14 Q. Do you remember when that shift took
15 place, about?

16 A. I think it was probably more around 2011,
17 2012.

18 Q. Do you remember what the reason for the
19 shift was?

20 A. Well, of course, obviously I think it's --
21 it's apparent that when opioids were becoming more
22 prevalent they wanted you to understand more about who
23 your customer was selling the product to.

24 Q. All right. So the next line down there,

1 Actavis Inc., with the understanding that you never
2 worked for Actavis Inc., do you have an understanding
3 of who Rachelle Galant was or Rachelle Galant?

4 A. Yes. Rachelle Galant worked in marketing
5 at Actavis Inc.

6 Q. How about Nancy Baran?

7 A. Nancy Baran worked in customer service.
8 She was the director of customer service at Actavis
9 Inc.

10 Q. And then Jinping McCormick?

11 A. She was director of the marketing
12 department and I believe Rachelle reported in to
13 Jinping.

14 Q. Have you ever met Dr. McCormick?

15 A. No, not at all.

16 Q. Do you have an understanding of who
17 Ms. Galant, Ms. Baran and Dr. McCormick were
18 responsible for training at Actavis Inc.?

19 A. So, I do know Nancy and I do know Rachelle
20 and I believe Nancy had an active role to train her
21 customer service team at Actavis Inc. She was
22 familiar with the CSA and was instrumental in
23 assisting to -- with their systems.

24 And -- and I believe Rachel was also --

1 I -- I can't say who Rachelle actually trained, but I
2 know she was very -- very involved in helping create
3 some of the policies on how SOMS was going to be
4 handled, especially around 2012 when they made some
5 changes in their process and she was very instrumental
6 in that process.

7 Q. Do you know about how many people were on
8 the customer service team that you referred to at
9 Actavis Inc.?

10 A. I think when the acquisition happened and
11 we worked with Nancy, I would say maybe five, six.

12 Q. Do you know what their various roles were?

13 A. I can't say directly what all of their
14 roles were. I'm not that familiar if they had
15 different roles from one another. I -- I really
16 can't.

17 Q. Now, since we are talking about it in this
18 context, I'm going to take kind of a sidestep.

19 At some point Watson Pharmaceuticals, Inc.
20 merged with or bought Actavis Inc., is that right?

21 A. We -- yes, Watson Pharmaceuticals did
22 acquire Actavis Inc., that is correct.

23 Q. And when that happened, what took place
24 with regard to the SOM and diversion people and

1 substances?

2 A. I would not have a number of customers.

3 Q. As you think about now in 2018, 2019,
4 about how many customers does Watson have across the
5 board for controlled substances?

6 A. Allergan Finance, LLC?

7 Q. I'm sorry. Allergan Finance, LLC.

8 A. Maybe ten.

9 Q. All right.

10 A. I'm just -- I'm just thinking about the
11 number of customers that we have set up at UPS.
12 I'm -- don't quote me on the exact number, but it
13 is -- it is not a significant amount.

14 Q. Do you think it was substantially more or
15 less back in 2004?

16 A. It was more in 2004.

17 Q. Okay.

18 A. Because there was retail -- warehousing
19 retail chains.

20 Q. Okay. So are warehousing retail chains
21 not Allergan's customers anymore?

22 A. They purchase through the wholesalers.

23 Q. Okay. Is that for all controlled
24 substances?

1 A. Yes.

2 Q. All right.

3 All right. So let's move on to Exhibit

4 No. 8. Could you pick that up inside the compendium

5 Exhibit 25, and look through it, and as you are

6 looking through it, I'll note it is a

7 four-page document, Allergan_MDL_03641386 through

8 1389.

9 When you are ready, can you tell me what
10 this appears to you to be?

11 A. Yes. This is a corporate standard
12 operating procedure. So this is filed with the entire
13 corporation. It is a high-level procedure regarding
14 suspicious orders of controlled drugs.

15 Q. All right. And with regard to this
16 document, you say it's filed with the corporation.

17 What is the difference between this and
18 what we were talking about before, Exhibit 3?

19 A. Sure.

20 The ones under Exhibit 3 -- and the ones
21 that are identified as operational procedure documents
22 are typically a derivative of a corporate standard
23 operating procedure. So the corporate standard
24 operating procedures are actually come -- are -- are

1 designed and are required by our regulatory and
2 compliance teams. And after these are developed, then
3 our department would take this and come up with a very
4 high-level standard operating procedure that mimics
5 this, has a little bit more detail on it because it's
6 more operational in nature. We are operational teams.

7 Q. Okay.

8 A. So we then would design an operational
9 procedure off of this.

10 Q. All right. So with regard to the document
11 that's marked as Exhibit 8, can you tell what -- what
12 would cause an order to pend inside the system as you
13 read through this policy?

14 A. So this policy does -- explains that there
15 is a requirement --

16 Q. Uh-huh.

17 A. -- to have a system in place. So it tells
18 you that there is a process and it tells you what
19 documents to review for that process and it tells you
20 that the customer, that the system compiled past
21 history, it tells you that it's to -- each customer is
22 to establish normal size and frequency, and it tells
23 you -- so under 1.1 it explains a little bit about
24 what the normal size and frequency is and then it

1 well where they would contact physicians for
2 specialty, like, dermatology. I think that was the
3 only group that we had, dermatology. We may have had
4 women's healthcare, which was contracted out. They
5 did not report directly to me, but I had some
6 assistance there. And we had a small telesales
7 organization that contacted hospitals, like
8 institutional accounts. And they may have contacted,
9 I believe there was a dental program at one point.

10 Q. As you think of it, while you were at
11 Watson, were you aware whether Watson Pharmaceuticals,
12 Inc. detailed the drug Norco to anybody?

13 A. Not -- not through my team.

14 Q. Okay. And did they detail any of the
15 other opioid prescription drugs that they sold?

16 A. No, not that I can recall then.

17 Q. All right. All right.

18 And then let's keep going with the
19 exhibits. And I'm going to hand you an exhibit that
20 we'll mark as Exhibit 28.

21 (WHEREUPON, a certain document was
22 marked Allergan 30(b)(6) - Woods
23 Deposition Exhibit No. 28, for
24 identification, as of 01/09/2019.)

1 BY MR. EGLER:

2 Q. We went through and checked for Exhibit 28
3 and didn't see it in the compendium of exhibits that
4 you gave us this morning, and I was wondering if you
5 could look at it and just read through it generally,
6 and as you are doing that, I will read into the
7 record, it is Bates numbers Allergan_MDL_02176551
8 through 553.

9 And when you are ready, can you tell me
10 what this appears to you to be?

11 A. Yes. The first thing I can tell you is
12 that this is a document created by DEA Affairs or DEA
13 compliance team regarding our suspicious order
14 monitoring procedure --

15 Q. All right.

16 A. -- that follows the CSA.

17 Q. So before we get too far into this
18 document, based on your ex -- your own personal
19 experience at Watson and Actavis and Allergan, can you
20 tell whether this was created before or after the
21 Aller- -- Actavis Watson merger?

22 A. This was created after. I can tell you
23 that because of the logo.

24 Q. All right. So with regard to this

1 document, do you remember ever seeing this document
2 before?

3 A. Yes, I do.

4 Q. Okay. When was the last time you saw this
5 document?

6 A. It would have been when I worked for
7 Actavis, Inc.

8 Q. All right. So, can you tell from the
9 context of this document that -- that -- any
10 particular timeframe from the time of the merger to
11 today that this would cover, just because I don't see
12 any dates on it to get a -- a hook that -- in that
13 manner?

14 A. I -- I wasn't the creator of the
15 document --

16 Q. Right.

17 A. -- so I wouldn't want to tell you a date
18 because I didn't create this.

19 Q. Okay.

20 A. This would have been created by, most
21 likely, Tom Napoli.

22 Q. Okay.

23 MS. LEVY: And, Tom, just for the record, I
24 think it is in the binder.